

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,

v.

OWEN HINKSON,

Defendant.

1:17-cr-72-WSD

OPINION

On June 22, 2017, Defendant Owen Hinkson (“Hinkson”) pled guilty to one count of Illegal Reentry of a Previously Deported Alien, in violation of 8 U.S.C. §§ 1326(a) and (b)(2). ([22]). Hinkson contested the Probation Officer’s finding in the Presentence Investigation Report (“Presentence Report”) prepared in this action, that the maximum authorized period of incarceration to which Hinkson could be sentenced was twenty (20) years. (See [27]). Hinkson contended the maximum period of incarceration was ten (10) years. (Id.). The Government agreed with the Probation Officer’s finding that Hinkson was subject to a maximum period of incarceration of twenty years. (See [26]).

In light of this disagreement, on September 8, 2017, the Court entered its Order discussing and resolving the issue of the maximum authorized period of

incarceration that applies in this prosecution. ([29]). The Court determined that the maximum incarceration period is twenty years.


On September 13, 2017, Hinkson was sentenced. After considering the information set out in the Presentence Report, to which there were no objections, the Court sentenced Hinkson to a period of incarceration of seventy-two (72) months. In reaching its decision, the Court evaluated the factors under 18 U.S.C. § 3553(a) and, for the reasons stated on the record, imposed a sentence above the recommended Guidelines range. The Court found this sentence appropriate including because of Hinkson's undeniable pattern and history of reentering the United States illegally. Hinkson reentered the country illegally on six separate occasions. Four of these resulted in Hinkson's prosecution and conviction for illegal reentry.

In imposing the sentence in this case, the Court considered the facts, including those in the Presentence Report, and the argument of counsel.¹ The Court would have imposed the same sentence even if the maximum authorized period of incarceration was ten rather than twenty years.

¹ Defendant chose not to make a statement at the hearing.

Accordingly, the Court finds that the sentence imposed on Hinkson in this case is the fair and reasonable sentence required. The Court announced the sentence having fully considered the facts of Hinkson's offense and factors under 18 U.S.C. § 3553(a).

Signed this 13th day of September, 2017.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE